

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

THE SOUTH CAROLINA STATE
CONFERENCE OF THE NAACP, and

TAIWAN SCOTT, on behalf of himself and
all other similarly situated persons,

Plaintiffs,

v.

THOMAS C. ALEXANDER, in his official
capacity as President of the Senate; LUKE A.
RANKIN, in his official capacity as Chairman
of the Senate Judiciary Committee; JAMES H.
LUCAS, in his official capacity as Speaker of
the House of Representatives; CHRIS
MURPHY, in his official capacity as Chairman
of the House of Representatives Judiciary
Committee; WALLACE H. JORDAN, in his
official capacity as Chairman of the House of
Representatives Elections Law Subcommittee;
HOWARD KNAPP, in his official capacity as
interim Executive Director of the South
Carolina State Election Commission; JOHN
WELLS, Chair, JOANNE DAY, CLIFFORD
J. EDLER, LINDA MCCALL, and SCOTT
MOSELEY, in their official capacities as
members of the South Carolina Election
Commission,

Defendants.

Civil Action No. 3:21-cv-03302-MBS-TJH-
RMG

**NOTICE TO PANEL REGARDING
HOUSE DEFENDANTS'
SUPPLEMENTAL DISCOVERY
RESPONSES**

Defendants James H. Lucas (in his official capacity as Speaker of the South Carolina House of Representatives), Chris Murphy (in his official capacity as Chairman of the South Carolina House of Representatives Judiciary Committee), and Wallace H. Jordan (in his official capacity as Chairman of the South Carolina House of Representatives Redistricting Ad Hoc Committee) (collectively, the “**House Defendants**”), by and through undersigned counsel, hereby file this

Notice to supplement the response in opposition to Plaintiffs' Motion captioned "Motion Regarding Ongoing Noncompliance with the Court's Discovery Orders" (ECF No. 253) and in an effort to be fully upfront with the Court.

In that filing, undersigned counsel represented that production of certain legislators' personal communications made pursuant to this Panel's Order (ECF No. 222) were made well before any affected depositions, and that this production was made Saturday, April, 30, 2022 (the "Saturday Production").¹ (*See* ECF No. 253 at 3-5;8). However, this morning while reviewing potential exhibits to Chairman Chris Murphy's deposition,² undersigned counsel realized that the Saturday Production did not include approximately 18 of Chairman Murphy's text messages intended for production. This omission was inadvertent and these text messages were produced immediately. *See* May 3, 2022 Production Letter, attached as **Exhibit A**.

At the outset of discovery the Parties agreed to provide to opposing counsel documents to be used in a deposition two days in advance of the deposition.³ Given that this supplemental production was made roughly 24 hours in advance of Chairman Murphy's deposition, undersigned counsel offered to accommodate opposing counsel taking Chairman Murphy's deposition with whatever time necessary to cure any prejudice that the inadvertent failure to produce these text messages may have caused. Opposing counsel does not believe any accommodations are necessary, but undersigned counsels' offer stands.

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¹ The Saturday Production contained 115 documents totaling 1,291 pages, including many text messages from Chairman Murphy.

² Chairman Murphy's deposition is scheduled for tomorrow, May 4, 2022.

³ Given the compressed schedule in this case, the parties agreed to the two-day period even though Local Rule 30.04(H) provides for seven days.

Respectfully submitted,

/s/ Mark C. Moore

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May 3, 2022
Columbia, South Carolina